

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figures 1-5. These sheets replace the corresponding original sheets. "Related Art" is added as a legend to each figure.

Attachment: Replacement Drawing Sheet 1 including Figure 1
 Replacement Drawing Sheet 2 including Figure 2
 Replacement Drawing Sheet 3 including Figure 3
 Replacement Drawing Sheet 4 including Figure 4
 Replacement Drawing Sheet 5 including Figure 5

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 3-8 are pending. Claims 2 and 9 have been canceled without prejudice or disclaimer of subject matter. Claims 1, 4, 7, and 8 are amended in this paper.

No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

The abstract is amended.

Figures 1-5 are amended.

II. INFORMATION DISCLOSURE STATEMENT

The information disclosure statement (IDS) filed February 10, 2005 was objected as failing to comply with 37 C.F.R. 1.98(a)(3) for allegedly not including a concise explanation of the relevance.

Applicants respectfully note the IDS filed February 10, 2005 is in accordance with MPEP requirements. Specifically, MPEP §609.04(a)III, which states, in relevant part:

“Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent

office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an 'X', 'Y', or 'A' indication on a search report."

This application is a §371 of PCT/JP03/08394. The references cited in the IDS filed February 10, 2005 were all cited in the International Search Report (ISR) of the PCT application. An English language version of the ISR was provided with the filing of the present application. The ISR provides which portion of the reference is particularly relevant, the claims to which the reference applies and/or the category. The submitted English version of the ISR was preceded by the international publication in Japanese of the PCT application (in PAIR, see "Documents submitted with 371 Applications").

A copy of the ISR filed on February 10, 2005 is provided herewith for convenience. Applicants respectfully request consideration of the references provided in the IDS filed on February 10, 2005.

III. REJECTIONS UNDER 35 U.S.C. §101 AND 103(a)

Claims 8 and 9 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Claims 1 and 3-9 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Applicant's Admitted Prior Art (hereinafter, merely "AAPA") in view of U.S. Patent No. 5,956,745 to Bradford et al. (hereinafter, merely "Bradford").

IV. RESPONSE TO REJECTIONS

A. Response to Rejections under 35 U.S.C. §101

Claim 8 is amended, thereby obviating the rejections.

B. Response to Rejections under 35 U.S.C. §103(a)

Claim 1 recites, *inter alia*:

“wherein the control information includes at least one of information for identifying the corresponding segment table, the number of the free unit recording areas indicated by the segment table, the total capacity of the free unit areas, the address of the first free unit recording area indicated by the segment table, and a flag for specifying whether or not the corresponding segment table is to be read at the time of recording the data files.” (Emphasis added)

Claim 1, incorporating all the limitations of claim 2, is allowable as indicated in the Office Action.

Claims 7 and 8 are similar, or somewhat similar, in scope to claim 1, and are therefore patentable for similar or somewhat similar reasons.

VI. DEPENDENT CLAIMS

Claims 3-6 in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons.

CONCLUSION


In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
Ph: (212) 588-0800
Fax: (212) 588-0500